

**Urging The New York State Legislature To Amend Section 18 Of
The New York Public Health Law**

Referred to: The Public Health and Social Services Committee (Chairman Lopez and Legislators Allen, Belfiglio, Litts and Provenzano)

Legislator Chris Allen offers the following:

WHEREAS, New York Public Health Law Section 18 provides that any "qualified person" as defined by New York Public Health Care Law Section 18, Subdivision G, may request the inspection of the medical records of a "subject", as said word is defined by New York State Health Care Law Section 18, subdivision I, and that "such subject [may] inspect any patient information concerning or relating to the examination or treatment of such subject in the possession of such health care provider" which is also "subject to the provisions of subdivision three of this section (b)"; and

WHEREAS, upon the written request of the committee of an incompetent appointed pursuant to Article 78 of the Mental Hygiene Law, a health care provider shall provide an opportunity within ten (10) days for the inspection by such committee of any patient information concerning the incompetent subject that is in possession of the health provider"; and

WHEREAS, New York Public Health Law Section 18, Subdivision (c) defines the provisions through which a parent or any legally appointed guardian may have the right to request the inspection of "any patient information maintained or possessed by such provider concerning care or treatment of the infant for which the consent of such parent or guardian was obtained or where the care was provided without consent in an emergency or as the result of an accidental injury or the unexpected onset of a serious illness"; and

WHEREAS, New York State Public Health Law Section 18, Subdivision 8 provides for the inspection of health care records by "qualified persons" and further provides that challenges may be made to the accuracy of patients' information, expressly permitting the inclusion of a brief written statement to be permanently added to the patient information immediately after the challenged information, with such information becoming a permanent part of the patients' records; and

WHEREAS, New York State Public Health Care Law Section 18, Subdivision 8 allows facilities to place specifically unspecified "reasonable restrictions" on the time and frequency of such challenges to accuracy; and

~~WHEREAS, such challenged and potentially incorrect information being permanently put into the health care records of patients can have a detrimental and lasting effect on the ability of these patients to obtain Health Insurance and Life Insurance at a more affordable rate; and~~

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WHEREAS, erroneous patient information can also have a detrimental effect on the health and welfare of said patients in the event of a medical emergency or in the routine maintenance and treatment of their personal health care needs; and

~~WHEREAS, the existence of errors and incorrect information in the permanent health care records of patients within New York State who are of legal minority status and under the age of eighteen can have a detrimental effect on the immediate treatment and care of said patients during health care emergencies and in the routine care and treatment of their health care needs, and such errors and omissions can have a future effect on their ability to obtain health insurance and life insurance at a more affordable rate; and~~

WHEREAS, the Health and Social Services Committee of the Ulster County Legislature is deeply committed to protecting the health and welfare of the residents of Ulster County now, therefore, be it

RESOLVED, the Ulster County Legislature hereby requests that the New York State Senate and the New York State Assembly amend Section 18, Subdivision (8), of the New York Public Health Law to ~~correct the aforementioned flaws within New York Public Health Law Section 18, Subdivision (8), and~~ permit qualified persons to correct erroneous patient information without restriction, and permanently expunge incorrect information from patient ~~files~~ **records**; and be it further

RESOLVED, that the Clerk of the Ulster County Legislature shall forward copies of this resolution to New York State Assemblymen Kevin A. Cahill, Peter D. Lopez, Claudia Tenney and Frank Skartados, and New York State Senators George Amedore, John J. Bonacic, William J. Larkin Jr. and James L. Seward,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

No Action Taken In Public Health and Social Services Committee on May 4, 2015

Passed Committee: Public Health and Social Services as amended on June 1, 2015

FINANCIAL IMPACT:
NONE